

KOERT KUURSTA - August 18, 2006

30

1 in good condition.

2 Q Do you have any idea what the expected  
3 life of one of these slings is?

4 MR. DONOVAN: Objection to the form.

5 A I think they can be used even more than  
6 ten times.

7 Q Does Wagenborg give Locatum any  
8 instruction that we don't want a sling that's been  
9 used more than five times, ten times or whatever?

10 A There is no instruction about that. We  
11 need safe and certified slings.

12 Q Okay. Now, when the slings are  
13 returned -- in other words, the ship, for example,  
14 goes to Philadelphia. The cargo is discharged. The  
15 slings are put back into the ship, correct?

16 A That's correct.

17 Q And then they are -- I think, like, in  
18 this case, would they be brought back to Holmsund  
19 and returned there, normally?

20 A Yeah. Or in a port nearby, in case we are  
21 not calling Holmsund.

22 Q Okay. All right. What, if anything, does  
23 the ship's crew do with those slings after they are  
24 put back onto the ship and before they are delivered  
25 back to Sweden?

KOERT KUURSTA - August 18, 2006

31

1                   MR. POWERS: You mean after the  
2 discharge of the cargo when the slings are brought  
3 back on board?

4                   MR. GRUBER: Yes.

5                   A      Brought back on board and they store them  
6 on a safe place on board of the ship and carry them  
7 back to the port where Locatum --

8                   Q      Do they look at them during that period of  
9 time?

10                  A      They count them.

11                  Q      They count them?

12                  A      Yeah. They count the number just to see  
13 whether there's any losses and whether they have  
14 been all returned. Because if they will not be all  
15 returned, we will be invoiced for the loss of the  
16 slings.

17                  Q      Okay. So if you know that you were given  
18 468 slings, then on the voyage back, the crew would  
19 count to see whether there were 468 slings going  
20 back, correct?

21                  A      They do, yes.

22                  Q      And when they do the count, do they also  
23 look at the slings to see what kind of condition  
24 they are in?

25                  A      They do, yes.

KOERT KUURSTA - August 18, 2006

32

1 Q And why do they do that?

2 A Just as an extra service for Locatum, that  
3 they know there is a number of scrapped slings, for  
4 example. But it's not an obligation.

5 Q When they check the condition of the  
6 slings on the way back, if the crew feels that a  
7 sling should not be used again, what do they do with  
8 it?

9 A They just report it to Locatum.

10 Q How do they go about doing that?

11 A By telephone to Locatum. In case they  
12 have witnessed this, they will tell Locatum. But  
13 they don't inspect all slings on quality. Mainly  
14 they do an accounting. And if they see, just on  
15 purpose, they see some huge damages on the slings,  
16 they report it to Locatum. But it's not a matter of  
17 a full inspection.

18 Q Okay. But do they discard the sling if  
19 that happens, or do they still give that sling back  
20 to Locatum?

21 A No. They put them aside and also  
22 redeliver it.

23 Q But separately set aside?

24 A I don't know that.

25 Q Okay. So, for example, if, during the

KOERT KUURSTA - August 18, 2006

33

1 course of counting the slings, they came across five  
2 slings which they felt should not be used again,  
3 they would set those five slings aside?

4 A Yeah.

5 Q But those slings would still be returned  
6 to Locatum?

7 A Yes, because it's their -- they own it.

8 Q Would there be any written record given to  
9 Locatum regarding those five slings that were set  
10 aside?

11 A If that happens, yes.

12 Q Has it happened?

13 A It has happened, yes.

14 Q Do you get a copy of that?

15 A No. It's normally something -- it's a  
16 delivery sheet, redelivery sheet, of the slings in  
17 the port where the master is making remarks of how  
18 many slings returned, so many scrapped.

19 Q Okay. Now, have the terms of your  
20 agreement or your arrangement with Locatum, other  
21 than the price, changed at all since 1992?

22 A No.

23 Q Now, when this accident happened back on  
24 September 8, 2002, were you notified of it? Were  
25 you told about it?

KOERT KUURSTA - August 18, 2006

41

1 then it would have been a higher --

2 A 14 days.

3 Q Okay. And then the next item under that  
4 says, "The outcome from the return at Holmsund."

5 What does that refer to? What does that mean?

6 A You can see the difference. The ones --  
7 they have redelivered 822 pieces, whereof 12 have  
8 been scrapped. They could not be used. And that  
9 they probably learned after the next inspection or  
10 probably even after the first official inspection  
11 that they were in terrible condition.

12 Q Well, I guess what I'm trying to get at  
13 here is: If you know, the 12 pieces that were  
14 scrapped, are they talking about pieces that were  
15 rejected by Interforest or that were scrapped as a  
16 result of the ship's crew looking at them on the  
17 voyage back, or do you know?

18 A It can be both. If they were really in  
19 terrible condition, the crew even could have  
20 noticed; and if they have not, then probably the  
21 Interforest have rejected them later on.

22 Q Now, where it says in the next line, "To  
23 the debit of scrapped slings," do you get a credit  
24 for that? Is that the idea?

25 A We have to pay for the lost slings.

KOERT KUURSTA - August 18, 2006

58

1                   THE WITNESS: You can see that here  
2 there's an additional seven days charged on top of  
3 the 50 days.

4                   MR. GRUBER: Yes.

5                   THE WITNESS: And there's an amount  
6 of -- I have to take back my words about the number  
7 of scrapped slings because it's even higher.

8                   FURTHER EXAMINATION

9 BY MR. GRUBER:

10                  Q It shows 84 scrapped pieces, correct, out  
11 of the 468; is that right?

12                  A That's right. That's a lot.

13                  Q This is a lot.

14                  And then there were 31 pieces that were  
15 just missing that weren't returned, correct?

16                  A Yeah.

17                  MR. POWERS: You know which one 31  
18 is. It's in my office.

19                  Q (By Mr. Gruber) So this means that the  
20 crew of the ship would have segregated 84 of these  
21 slings on the way back for scrapping, correct?

22                  A It can be the crew. It can also be the  
23 stevedores in Holmsund after receiving, or in the  
24 other ports where those slings have been redelivered  
25 to.

KOERT KUURSTA - August 18, 2006

59

1           Q     Based on the question that Mr. Donovan  
2 asked you before, based on your experience, is this  
3 an extraordinarily high amount of slings that are  
4 scrapped?

5           A     Yes, it is.

6           Q     If I do some quick math -- I guess it's  
7 worth my doing it.

8                   MR. POWERS: If I may, can I ask  
9 just -- I'm curious.

10                  MR. GRUBER: Yeah.

11                  MR. POWERS: Uddevalla, is that where  
12 they were returned?

13                  THE WITNESS: Yeah. They have been  
14 returned at Uddevalla.

15                  MR. POWERS: Okay. Where is  
16 Uddevalla? Is that also in Sweden?

17                  THE WITNESS: Yeah, the south part of  
18 Sweden, yeah, because the vessel is apparently not  
19 calling Holmsund --

20                  MR. POWERS: Okay. That's all I need  
21 to know. Thanks.

22                  Q     (By Mr. Gruber) So this is like -- by bad  
23 math, this is like 18, 19 percent of the slings that  
24 were supplied were scrapped, correct?

25                  A     That's a lot.

KOERT KUURSTA - August 18, 2006

60

1 Q Now, if you continued to have experience  
2 with Locatum where 18 to 19 percent of the slings  
3 that they supplied had to be scrapped, would you  
4 reconsider using them as a supplier of a sling?

5 MR. DONOVAN: Objection to the form.

6 A Yeah, we would continue.

7 Q You would still continue?

8 A We would still continue, because this  
9 happened after the discharge or during or after the  
10 load at least, the damage to the slings.

11 Q Do you have any idea as to why there is  
12 such a large number of scrapped slings on this  
13 particular voyage as compared to all the other  
14 voyages?

15 A I have no idea.

16 Q Does it suggest to you that the quality of  
17 the slings that were supplied by Locatum for this  
18 particular voyage were not up to the usual  
19 standards?

20 MR. DONOVAN: Objection to the form.

21 MR. POWERS: Note my objection. I  
22 think he's already asked and answered that.

23 A I don't think it's relevant, because those  
24 slings have been even inspected before they're used,  
25 by Interforest, and found okay.